G. R. S. 58]

Previous references.

CS- 314-11
- 32-12
- 61-12 (1-3)
- 61 (8-12)

1914. 15

(CS-)

File No. 125-14

Serial Nos. 1-4

Later references.

CS-104-17(12)
CS 56-18(1-8)
" 82-32-14-2.

Preserve
Hon 27/8/15

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-4

Part B for Dec. 14

SUBJECT.

Execution by Revenue courts in Mysore of decrees passed by Civil CS in British India

---

1. From the Dy Comr. Chitaldrug Dist 19/10/14 27/10/14
   For a copy of a letter from the Collector of Bellary requesting him to recover some amounts from a person of Chitaldrug Dist
2. Do the same Office J 1365-07 13/11/14.
   Calls for a copy of the decree sent by him for execution
3. From the Same Office - No. - - - - - - - -
   Forwards the above
4. Do the Same Office J 1868 07 17/12/14.
   Intimates that the person is not in the place.

Hishoni
9.2.15.

GPB—3,500—21-7-14

G.R.S. 11] 1914-15

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 125 of 191

FILE HEADING.

Execution by Revenue Courts in Mysore of decrees passed by Civil Courts in British India.

From

The Dy. Comr., Chitaldrug District

No. 191 Dated 27.10.1914 Received 29-10 / 3-11 -1914.

Diary No.	Enclos.	Spare Copies.	Serial No.
1411	1		1

BRIEF ABSTRACT OF LETTER.

Forwards a copy of a letter from the Collector of Bellary requesting him to recover some amount from a person residing in Chitaldrug Dist. and enquires if any notification has been issued under Sec. 43 of Act III of 1911 providing for the execution of British India decrees by Civil and Revenue Courts in Mysore.

NOTES AND ORDERS.

Ref. C. Sl. 1 Nil.

The amount now under recovery is due on a decree passed by the District Court of Bellary. Under Sec. 43 of the Code of Civil Procedure, 1911, decrees of Civil or Revenue Courts in British India may be executed by Civil Courts in Mysore and such of the Revenue Courts also

NOTES—First Sheet.

GPR—85,000—15-6-12.

Serial No.

as may specially be directed by Govt in this behalf.

2) The question whether any such direction should be given to the Mysore Revenue Courts came up for consideration when the Resident asked for copies of notifications orders issued by the Durbar for the execution of British Indian Court decrees in Mysore, when a reply was sent that no such direction had been given as the necessity to do so had not presented itself since 1904 when this provision of special direction was inserted in the code. The same question was again brought to the notice of Govt by the Dy Comr of the Bangalore Dist in July 1912 on a coercive process issued by the Collector of the C & M Dist, Bangalore, but the matter was dropped, apparently as there was provision in the C.P. code to have such processes executed through Civil Courts.

Flag X

Please also see First Member's note on page 4 of this file "Flag X"

Flag Y

3) Now that this decree of a Br. Indian Civil Court has come up for execution by a Revenue court in Mysore, it will be a matter for consideration and orders if a notification should issue under Sec 43 of the C.P. Code authorizing the Rev Courts in Mysore to execute such decrees.

4) The Dy Comr has, in the present case, directed the Amildar to recover the amount

NOTE—Contn. sheet.

N.O.

General and Revenue Secretariat.

Cs File No. 125 of 1914-15

Serial No.

if paid Mutatily. Draft informing the Dy Com that no notifn has yet issued empowering the Rev Courts but that Civil Courts could execute such decrees under s 43 of the Civil Pro: Code & also subd.

Kg. 116
7-11-1914

Cs
10/4

✓ First Member)

5) As far as one can guess, the decree is apparently for recovery of ~~the~~ Court fee in ~~a~~ ~~suit~~ pauper suit from an unsuccessful plff. The Collector can I believe only recover the by executing the decree through a Civil Court in Br. India. If it has to be executed in Mysore he must follow the regular procedure, i.e. get it transferred to a Civil Ct here & then apply for execution.

6) The Dy C- should have returned the decree to the Collector.

7) Before sending a reply, get

NOTE—Contn. sheet.

GPB—60,000—7-11-13

G. R. S. 12]

General and Revenue Secretariat. | CS File No. 125 of 1914-15

Serial No.	
	the Copy of the decree referred to
	10/11/14
	8) Please put up draft calling for copy of the decree.
	CS 12/11
	Draft Sub^{d}
	Hg. 116
	12/11/1914
	9) Done
	12/11
	21/11
2	To The Dy Com^{r}, Chittaloor Dist
	No J 1365 Dy 13-11-1914
	Calls for a copy of the decree used by him in execution.
3	From the Lance Agent
	No
M	Forwards a copy of the decree called for and states that the person from whom the amount is due is reported to be not residing in Chalakere at present.
	6) Sub^{d} with refee to para 7.
	Hg. 116
	21/11/1914 11) The Deputy Commissioner reports that the plaintiff is not in Chalakere.

NOTE—Contn. sheet.

G P B—60,000—7-11-13

G. R. S. 12]

General and Revenue Secretariat. | No File No. 26 of 191 H.

Serial No.

Mr draft already in his words Subd. for approval or his orders.

Es 23/11

✓ First Member)

12) (Please Verify if my ~~new~~ view as to mode of execution is correct. and)

13) Instruct Dy Cr to send back the decree saying that the Man is not in the place & that such decrees cannot be executed by Rev Offrs.

14) (Independently of this, was this matter considered in the general ~~Se~~ question of Notns required under Regulations?)

24/11/14 Dmc 25/11

Es 25/11

Subd. ~~See~~ ~~was~~ ~~this~~ ~~order~~ ~~recorded~~

15) Draft to the D.C., Chitaldrug, as per para 13 of Subd.

(16) The question arising special

No 26/11

N.T.O.

NOTE—Contn. sheet.

GPB—25,000—2-11-14

. R. S. 12]

General and Revenue Secretariat. | C5 File No. 125 of 1914-15

Serial No.	
4	directions to Revenue Courts was raised in the pie regarding notices req^d under the C.P.C. but in consideration was deferred. No orders were passed on the reference made by the D.C., Bangalore, regarding the execution of warrants issued by Collector, C&M Stn for the levy of income-tax. This matter was after some discussion dropped.
3	
Copies of C.P.C (Mysore & Bn^d) are putup. with refce to para 12.	Kg. 116.
	10.12.14
	17) Under the law in force, decrees of Revenue Courts in British India cannot be executed by the Revenue Courts in Mysore. No rule exists in para 5 above to specifically cover the decree has to be transferred in the usual course to ~~the~~ any the local subordinate or Munsiff's Courts through the District Judge; and then execution should be taken.
	18) Draft submitted as per note ms. 13. may be approved.
	19) The question was considered in C5 file 32 of 1912, and was allowed to be dropped as difficulties were experienced in giving due weight to the provisions of the reference then pending. Attention is respectfully invited to the notes in that file which clearly points out the real nature of the ~~of~~ ~~the~~ difficulty.
13/12/14	Es 10/12/14
	Sub Member) Draft appd by First Member 14.12.14

NOTE—Contn. sheet.

GPB—25,000—2 11-14

Issue as 16/12/14

General and Revenue Secretariat.

File No. 125 of 1914.

Serial No.	
4	To Dep. Com, Chital drug Dt No. J 18-68 Dt 1-7-12-14 States that the decree may be returned to the collector of Bellary with the intimation that the person referred to above is not in the place and that such decree cannot be executed by Revenue officers in Mysore.

NOTE—Contn. sheet.

GPB—25,000—2-11-14

Rec'd 29/10 KV.

From The Deputy Commissioner
Chitaldrug District.

Rec'd CS 3/11/14.

To The Secretary to the Govt of
H. H. the Maharajah Mysore
Genl & Rev Departments -
Bangalore.

Dated 27th October 1914
Despatched "
Received

General No. 191
No.

Enclosure No. 1

Forwarding copy of
letter no. 3644 & 4-10-14 from
the Collector of Bellary re the
recovery of Rs 504-8-0 from
a person residing in this
District & soliciting instructions
in the matter.

2 No. 191/1

Office of the Deputy Commissioner,
Chitaldrug District.
Dated Chitaldrug, 27th October 1914.

From

V. R. Thyagaraja Iyer Esquire M.A.,
Deputy Commissioner,
C h i t a l d r u g.

DIARY No. J 1418

1914-18 18
SECTION C5
FILE No. 125 of 1914
CERT. L No. 1

To

D. M. Narasinga Row Esquire B.A.,B.L.,
Offg: Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
B a n g a l o r e.

S I R,

In forwarding herewith a copy of letter No.3644 dated 14th October 1914 from the Collector of Bellary requesting me to recover a sum of Rs. 504-8-0 from a person resident in Chitaldrug District, I have the honor to enquire if any Notification has been issued under Section 43 of the New Civil Procedure Code (Regulation III of 1911) providing for the execution by Mysore Civil and Revenue Courts of decrees of Civil Courts in British India.

2. In the meanwhile the Amildar of Chellakere Taluk has been requested to recover the amount if paid voluntarily and without the use of any coercive process.

3. I also request that 10 copies of the printed Government Proceedings No.5188-216/Mis.995 dated 8th November 1897 giving a synopsis of the orders relating to direct correspondence with Officers in British India may be kindly sent for the use of this office.

I have the honor to be,
S I R,
Your most obedient servant,

Deputy Commissioner,
Chitaldrug District.

S.V.

964/.

Copy of letter No. 3644 dated 14th October 1914 from the Collector of Bellary, to the Deputy Commissioner, Chitaldrug District.

I have the honor to enclose a copy of the decree in O.S.No. 20 of 1913 on the file of the District Court, Bellary and to request you to be good enough to recover the amount of Rs. 504-8-0 from the plaintiff Sanganabasappa who is now reported by the Deputy Commissioner of Tumkur to be residing at Chellakere within your jurisdiction.(vide copy of his letter enclosed).

----------NooooO----------

" C O P Y."

Deputy Commissioner,
Chitaldrug District.

S.V.

G. R. S. 26]

File No. 125-14

Serial No. 2

Diary No. of letter replied to

No. J 1365

General and Revenue Secretariat

( )

, *the* 191 .

To

The Dy Com,

Chitaldrug Dist

Date of issue 13/11/14.

Signed by Mr C. Seeniwasachar

Sir,

Adverting to your letter no. 191 dated the 27th Oct 1914 enquiring if any notifn has been issued under Sec 43 of the Code of Civil Procedure, 1911, providing for the execution in Mysore of decrees passed by Civil Courts in British India and stating that a decree of the District Court, Bellary, has been sent from the Collector of Bellary for execution in the

over.

SUBJECT.

12-11-14

chitaldrug district, I am directed to request you to ~~send~~ forward ~~to the~~ a copy of the decree referred to above.

I have the

Es
12/11/14
Regd: Log Book

Reg. 116
12/11/1914

List of enclosures,

Copied by

Examined by

GPB—25,000—4-3-13

GPB—100,000—29-7-14

1914

From

The Deputy Commissioner,
Chitr. Dist.

To

The Secretary to Govt.
Genl & Rev. Depts.
Bangalore.

Dated 20.11.1914.

Despatched

Received

General No. 228.
No. S

Enclosure No. One.

Forwarding copy of the decree of the District Court of Bellary in O.S. no 20 of 1913, and stating that plaintiff Sangana Basappa is since reported to be not residing at Challakere.

To C. ...

Office of the Deputy Commissioner,

Chitaldrug District.

Dated Chitaldrug, 20th November 1914.

J 1660

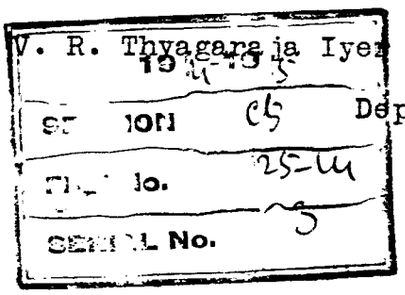
DIARY No.....

From

V. R. Thyagaraja Iyer Esquire M.A.,

Deputy Commissioner,

C h i t a l d r u g.



To

D. M. Narasinga Row Esquire B.A.,B.L.,

Offg: Secretary to the Government of

His Highness the Maharaja of Mysore,

General and Revenue Departments,

B a n g a l o r e.

S I R,

As desired by you in your No. J. 1365/Cts.125-14-2 dated 13th November 1914, I have the honor to forward herewith a copy of the Decree of the District Court of Bellary.

2. The plaintiff Sangana Basappa has since been reported by the Amildar, Chellakere Taluk to be not residing in Chellakere at present.

I have the honor to be,

S I R,

Your most obedient servant,

Deputy Commissioner,

Chitaldrug District.

S.V.

P.S.

In the Court of the District Judge of Bellary.

Present:- B.C.Smith Esquire I.C.S., Acting District Judge.

Saturday the 15th day of August 1914.

Original suit No. 20 of 1913.

(O.P.No.426 of 1912).

Between

Sangana Basappa adopted son of Karibasappa Lingayat aged 23 residing at Tiptur Mysore Province. ... Plaintiff.

and

1. Gadigi Sugurappa, trader aged 30.
2. Ayyappa brother of the 1st defendant, trader, aged 24;
3. Sugamma, sister of the 1st defendant, aged 26;
4. Nagamma, aged 28.
5. Saranappa, adopted son of Gangappa, trader aged 20.
6. Chennappa, adopted son of Siddappa, trader, aged 26.
7. Deviramma daughter of Sugappa aged 40.
8. Gadigi Sugurappa, Manager of Basappa's temple.

All are Sivities residing at Rayadrug. ... Defendants.

Claim for recovery of property consisting of the value of a house and iron safe and cash from defendants.

Cause of action arose on 17th October 1906.

Value of claim:- Rs. 10,610.

DECREE:- This suit coming on for final disposal on the 10th day of August 1914 in the presence of Mr. B. Bhima Rao, Vakil for the plaintiff and of Mr. M. Gopalaswami Mudaliar, Vakil for the 1st to 4th and 8th defendants and of Mr. T. Raghavacharlu, Vakil for 5th to 7th defendants and having stood over to this day for consideration, this Court doth order and decree that the plaintiff's suit be, and the same hereby is, dismissed, and that the plaintiff do pay Rs. 311-9-3 to 1st to 4th and 8th defendants and also Rs. 154-15-0 to 5th to 7th defendants for their costs in this suit.

This Court doth further order and decree that the plaintiff do pay to Government Rs. 504-8-0, being the balance of stamp duty payable on the plaint.

In the matter of the execution of a Br. Insolvent Court decree by Revenue officers in Mysore (Chitaldrug)

G. R. S. 26]

16/12 +

File No. 125-14.

Serial No. 4

Diary No. of letter replied to

No. 7 1868.

General and Revenue Secretariat

( )

, *the* 191 .

To

The Deputy Commr.,

Chitaldrug Dist.

Date of issue 17/12/1914.

Signed by Mr. C. Srinivasa Iyer

Sir,

Adverting to correspondence ending with your letter no. 228, dated the 20th Nov. 1914, forwarding a copy of the decree of the District Court of Bellary for execution against one Sangana Basappa, I am directed to state that the decree may be returned to the Collector of Bellary.

over.

SUBJECT.

Bellary with the intimation that the person referred to above is not in the place and that such decrees cannot be executed by Revenue Officers in Mysore.

Please

10/11/14 For CHS: See legal

List of enclosures,

Copied by

Examined by

GPB—25,000—4-3-13